

R E M A R K S

After careful consideration of the outstanding Office Action, this application has been amended accordingly and favorable reconsideration on the merits thereof is at this time respectfully requested.

The Examiner indicated that claims 12 and 14 "would be allowable," if appropriately rewritten in independent form to include all of the limitations of the base claim and any intervening claims. (See page 3, paragraph 7 of the Office Action.) Claims 12 and 14 have been appropriately presented as new independent claims 21 and 22, respectively, and dependent therefrom are respective claims 34 through 36 and 37, 38. Thus, the formal allowance of claims 21, 22 and 34 through 38 is believed to be in order and is respectfully requested.

The only issues of record are obviously the unobviousness of independent claims 18, 19 and 20, newly presented herewith, and claims 23 through 26; 27 through 30 and 31 through 33 depending respectively therefrom.

Claim 18 is a combination of original claims 1, 4, 6 and 7 which were at least individually rejected by the Examiner at page 2, paragraph 2 of the Office Action under 35 U.S.C. § 102(b) over the patent to Hansen (1,677,443). The Hansen patent most definitely discloses cans 9 inclined for drainage purposes for both initial washing liquid and final cleansing steam directed outwardly of nozzles 18, 19 into the open ends of the containers. Both the initial washing and final cleansing chambers drain into a common drip catch 48 which conducts water to a drain 23. Based upon the specifics of the latter disclosure of the Hansen patent, the Examiner may well be correct in rejecting each of claims 1 through 4 individually under 35 U.S.C. §

102(b). However, dependent claim 6 called for a stationary guide rail arranged around at least part of the periphery of the turret for supporting containers within the pockets thereof while claim 7 dependent from claim 6, specified that the guide rail was arranged such as to provide sufficient contact with the containers to rotate the containers in the pockets about their longitudinal axes as they are transported around the periphery of the turret. The latter subject matter of individual dependent claims 6 and 7 is found in the last two limitations of claim 18 and the undersigned finds no corresponding structure disclosed directly by or rendered obvious from the totality of the Hansen patent.

The Examiner's attention is directed to Figure 2 of Applicants' drawings which illustrates the cans being supported between the guide rail and the mandrels and the manner in which the containers 70 are rotated while being inclined (original claim 1). The specification at page 14, beginning at line 6 specifically describes the spacing between the guide rail 60 and the turret 80, 90 as being "sufficient to support the can 70 within the pockets defined by adjacent mandrels 50 whilst providing sufficient frictional contact that the cans 70 are rotated about their longitudinal axis as they move past the stationary guide rail 60. The rotation of the can 70 is accommodated by rotation of the mandrels 50 about their longitudinal axis."

Turning specifically to the Hansen patent, at page 1, between lines 30 and 32, there is reference to "means for rotating the successive cans of a series about their own axes during washing of the cans." However, nowhere in the specification is there found any description of any such "means for rotating" nor is such evident from any of the drawings. Thus, the latter-quoted sentence is not enabling and the Hansen patent is thereby incapable

of rendering obvious the subject matter of original claims 1, 4, 6 and 7 (new claim 18) and, hence, the allowance of claim 18 is considered proper and is herewith respectfully requested.

Claim 19 is a combination of originally individually rejected claims 1, 5, 6 and 7 which, once again, the Examiner contends to be "clearly anticipated by Hansen." (See Office Action, page 2, paragraph 2.) Having commented upon the content of claims 6 and 7 with respect to claim 8, such comments are incorporated hereat by reference inasmuch as the subject matter of claims 6 and 7 is also incorporated in independent claim 19. Accordingly, the formal allowance of claim 19 is likewise considered appropriate and is respectfully requested.

Claim 20 is directed to a combination of claims 1 and 8 which the Examiner rejected at page 2, paragraph 4 of the outstanding Office Action "under 35 U.S.C. 103(a) as being unpatentable over Hansen." In support of the rejection of claim 8, the Examiner first acknowledges that "the particular angle of 15°" distinguishes over Hansen but alleges, absent any reasoned analysis, "no patentable distinction is deemed to exist between the angle as claimed and the angle as taught by Hansen." First, what precise "angle" is taught by Hansen? The answer is very definitive, namely, there is no angle taught by Hansen! A person skilled in the art cannot consider 15° "to be an obvious extension of the teaching of Hansen" which is silent with respect to any particular degree of can body axis inclination to the horizontal. The patent to Hansen merely refers to "tilting cans" such that they are "thoroughly drained" and the obvious fact that the machine may be disposed other than as shown, but absent therein is any specific angle of can body axis inclination. Applicants herein claim the angle of substantially 15° to the

horizontal because "this arrangement reduces the amount of floor space occupied by each rinse module whilst ensuring adequate drainage of cleaning fluid from the cans, under the effect of gravity," as was earlier noted herein. In view of the foregoing and the absence of any motivation of suggestion in the Hansen patent which truly renders the subject matter of claim 20 obvious, the formal allowance of the latter claim is respectfully requested.

The newly added dependent claims are directed to subject matter more specific than that recited in the independent claims from which they depend and aid in further distinguishing the subject matter thereof over the prior art of record. Obviously, the allowance of these dependent claims to afford applicants that protection to which they are clearly entitled over the prior art is respectfully requested.

As was noted earlier herein, the Examiner indicated that a combination of claims 1, 11 and 12 and claims 1, 11 and 14 "would be allowable," and such is provided by independent claims 21 and 22, respectively. In view thereof, the formal allowance of the latter claims and the claims depending therefrom is similarly considered to be in order and is herewith respectfully requested.

The undersigned has made a bonafide effort toward conditioning this application for allowance and upon consideration of this amendment, the formal allowance of all of the claims of record would be most appreciated.

In the event the Examiner intends taking any other action than the allowance of this application upon considering this amendment, he is requested to telephone the undersigned in order that a personal interview can be arranged to avoid further formal/protracted prosecution. The

undersigned will make every effort to accommodate the Examiner's scheduling.

Barring a telephone call from the Examiner, the formal allowance of this application at an early date is again respectfully requested.

Very respectfully,

DILLER, RAMIK & WIGHT

By:



Vincent L. Ramik, Reg. 20,663

7345 McWhorter Place; Suite 101
Annandale, Virginia 22003

(703) 642-5705 - telephone
(703) 642-2117 - fax